

KENTUCKY DEPARTMENT OF EDUCATION
STAFF NOTE

Action/Discussion Item:

702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics (Final)

Applicable Statute or Regulation:

KRS 156.070
702 KAR 7:065
KHSAA Bylaws

History/Background:

Existing Policy. 702 KAR 7:065 (included as attachment “A”) designates the KHSAA as the entity to manage interscholastic athletics.

This regulation also requires that the Association conduct a biennial review of its Constitution and Bylaws, and such was done during the later months of the 2006-2007 school year and the early meetings of the 2007-2008 school year by the Board of Control.

The proposed changes that received the requisite 2/3 vote (included as attachment “B”) reflect items that were presented to the membership of the Association at its October 19th Annual Meeting. Items considered at the Annual Meeting are submitted both by the Board of Control as part of its annual Constitution and Bylaws review, and by the member schools, and are reviewed by the Board of Control prior to the development of the final agenda. At the 2007 annual meeting of the member schools, 238 schools were present; therefore, all proposals required 159 affirmative votes for passage. In accordance with the KHSAA Constitution and Policies and Procedures as well as the requirements of 702 KAR 7:065, any amendment receiving the requisite vote of the membership is to be considered by the Board of Control and a recommendation made to the Kentucky Board of Education for further action. The revised Constitution (included as attachment “C”) and Bylaws (included as attachment “D”) reflect the incorporation of these changes.

In accordance with these procedures, the following amendments to the KHSAA Bylaws were approved by the listed votes. These amendments have been considered by the Board of Control (BOC) of the KHSAA for implementation during the 2008-09 school year unless otherwise noted and received the requisite vote of the Board of Control. It should be noted that proposal 8 is recommended for final implementation on June 1, 2009.

Proposal	Author	Purpose	Vote	BOC
2007-1	KHSAA Board of Control	A technical amendment to Bylaw 4 to re-state its intent on limitations. This amendment affects only the marked sections and does not effect any other proposed change to Bylaw 4. Rationale – With two minor changes, the Board of Control desires to make clear the intent of the membership with respect to the four year limitation on eligibility. This statement of principle, while not negating the Due Process rights of any student within the Due Process Procedure, reiterates a desire that no student be	216 yes, 11 no, 0 abstain 11 present	Adopted by the Board of Control 16-0

Proposal	Author	Purpose	Vote	BOC
		allowed to play more than four seasons at the high school level in a single sport once the four-year count has started. This also clarifies a contradiction between subsections (c) and (d) that has needed resolution. This change would phase in and allow any student who, while below grade 4 had competed in high school level competition, to continue competing until eligibility was exhausted, provided the student was eligible by all other rules.		
2007-2	KHSAA Board of Control	<p>An amendment to Bylaw 6 to codify an exception related to military transfers and clarify the section related to divorce of the parents of a student-athlete in joint custody situations.</p> <p>Rationale – Upon review of the current transfer rule and restrictions, the Board of Control feels that the custody situation needs to be clarified to better illustrate the provisions of the rule and its restrictions. The change in sub-section (b) makes no substantive change, but may eliminate a perceived loophole in the rule. The new proposed section (i) is reflective of current events that have been handled through the Due Process Procedure, which are more appropriately handled by creating an enumerated exception within the body of the rule.</p>	203 yes, 23 no, 1 abstain 11 present	Adopted by the Board of Control 16-0
2007-3	KHSAA Board of Control	<p>A technical amendment to Bylaw 14 that removes specified penalties and instead, refers the situation to Bylaw 33 as per other rules.</p> <p>Rationale – This technical change would take the specified penalties from Bylaw 14 and place them more appropriately within the scope of Bylaw 33.</p>	215 yes, 9 no, 0 abstain 14 present	Adopted by the Board of Control 16-0
2007-5	KHSAA Board of Control	<p>A proposal to change the method of counting games in soccer.</p> <p>Rationale – This change will revise the method for counting games in soccer to simplify the process and eliminate perceived issues and the possibility of schools exceeding the limit of games by miscounting tournaments.</p>	203 yes, 14 no, 10 abstain 11 present	Adopted by the Board of Control 16-0

Proposal	Author	Purpose	Vote	BOC
2007-6	Tracy Spickard, Franklin County High School; Jim McKee, Scott County High School; Greg Scholl, Southwestern High School; Ron Madrick, Holmes High School	<p>A proposal worked out in conjunction with members of the Kentucky Basketball and Football Coaches Association to attempt to minimize the conflict over student-athlete participation in those sports.</p> <p>Rationale – Through a series of proposals, coaches and athletic administrators have worked together to attempt to make better use of the student-athletes in the state, minimize students having to make choices between sports and be better able to play both, and not affect the ability of programs to be competitive. With this change, to go into effect with the 2009-2010 school year, the basketball season returns to its traditional time block. KHSAA member schools are simply, by and large, too small on average to compete for athletes. This proposal acknowledges that the allowances for football and expansion of participation opportunities may have created adverse situations for students participating in other sports and returns the basic football season to ten regular season weeks to play ten regular season games. Schools would have the option of substituting an early game for a scrimmage in Week “0” to fill their schedule as a final resort to solving scheduling problems. With a scheduling grid adopted, even if revised for the 2009 season, when this proposal takes effect in 2009, there should be no more scheduling problems in adapting to this change than with any other schedule change that occurs in the first year of a contract cycle. Also with this change, the basketball season returns to its traditional time block. In addition, this keeps in mind that basketball and football seasons should be separate, as well as fall and winter sports seasons. In many cases, good athletes are forced to make the choice between basketball and football due to the KHSAA rules, which potentially harms both programs and the student-athletes. Years ago, the member schools specified that the spring sports season should not start until the winter season was over. That allows the maximum opportunity for students to compete in more than one sport should they desire to do so. The same should be done for the fall and winter sports, particularly basketball. Moving the start of basketball season to</p>	165 yes, 65 no, 0 abstain 8 present	Adopted by the Board of Control 16-0

Proposal	Author	Purpose	Vote	BOC
		<p>after the football (semifinals or finals) allows for a majority of the students to be able to play both sports should they desire to participate in both. Since the Board of Control sets the football finals at least two years in advance, it would be within a regular contract cycle for basketball games to simply adjust the subsequent corresponding date charts due to the football finals scheduling. This change also locks in the length of the basketball season to allow for scheduling adjustments and planning.</p> <p>The spring practice changes listed in this proposal make no effective change to the regulation, but rather place existing interpretations and restrictions into the body of the rule.</p>		
2007-7	Greg Scholl, Southwestern High School; Jim McKee, Scott County High School; Ron Madrick, Holmes High School	<p>A proposal to revise the starting date for football practice to balance the scheduling issues of alternative calendars and the need to keep contract practice starting as late as possible.</p> <p>Rationale: Through a series of proposals, coaches and athletic administrators have worked together to attempt to make better use of the student-athletes' time in the state, minimize students having to make choices between sports and be better able to play both, and not affect the ability of programs to be competitive. This change, which should go into effect with the 2009-2010 season, locks the start date of fall practice into a defined window so that the rolling of the calendar doesn't force practice into a time period far too early in the summer. Though some early starting schools may be potentially affected with the loss of one or two multiple practice session days, the choice of school start times is left to the local level and shouldn't be allowed to potentially impact the health, welfare and safety of the student-athletes.</p>	163 yes, 60 no, 4 abstain 11 present	Adopted by the Board of Control 16-0
2007-8	Tracy Spickard, Franklin County High School; Jim McKee, Scott County High School; Greg Scholl,	<p>A proposal worked out in conjunction with members of the Kentucky Basketball and Football Coaches Association to attempt to minimize the conflict over student-athlete participation in those sports.</p> <p>Rationale: When the dead period was first instituted, the school administrators and coaches overwhelmingly favored a four-week dead period, but when it was first</p>	159 yes, 69 no, 1 abstain 9 present	Adopted by the Board of Control 16-0

Proposal	Author	Purpose	Vote	BOC
	Southwestern High School; Ron Madrick, Holmes High School; Fred Hester, Mason County High School	implemented, the desire of the membership was to start with a 15-day period and then evaluate. The current period has a couple of flaws that this proposal addresses. The football and basketball coaches have worked together to create better opportunities for the student-athletes to be able to play both sports, without affecting the ability of either program to be competitive. This proposal clearly states that organized school vs. school competition (i.e., 7 on 7 passing leagues) in football needs to be in a defined period free from basketball conflicts (i.e., July 10 through July 31) and basketball play (summer tournaments, etc.) needs to be in a defined period free from football conflicts (i.e., June 1 through June 24). With these cooperative restrictions in place, the dead period can better address the sports it was originally intended to regulate, and not collaterally damage others. In addition, with impending changes to the scheduling grid being discussed for revision beginning in 2009, the season preparation issues will be resolved.		
2007-9	KHSAA Board of Control	<p>A proposal to amend Bylaw 32 (Selection of Officials) and remove the Federal Court Decree provisions related to the Selection of Officials from the Bylaws while leaving the information printed in other portions of the Handbook.</p> <p>Rationale – On advice of counsel, the Board of Control feels that this segment of the Federal Court decree is inappropriately placed in the handbook, as it is already published in the Constitution, Officials Licensing Guidebook, and the Policies and Procedures section of the Handbook. This does not remove any of the Federal Court decree jurisdiction or provisions but rather eliminates a redundancy within the Handbook.</p> <p>COMPILER’S NOTE - With the passage and adoption of Proposal 9, KHSAA Bylaw 13 regarding the Agreement Regarding Professional Baseball Contracts will be moved to Bylaw 32. Bylaw 7, which goes into effect with 2008-2009 regarding Financial Aid restrictions, moves to become Bylaw 13. Bylaw 6, Section 2 (Foreign Exchange Students) will now be moved to</p>	216 yes, 10 no, 0 abstain 12 present	Adopted by the Board of Control 16-0

Proposal	Author	Purpose	Vote	BOC
		Bylaw 7.		

In accordance with these procedures, the following amendments to the KHSAA Constitution were approved by the listed votes. These amendments have been considered by the Board of Control (BOC) of the KHSAA for implementation during the 2008-09 school year and received the requisite vote of the Board of Control.

Proposal	Author	Purpose	Vote	BOC
2007-10	Gary Bartlett, Daviness County High School and Will Hodges, Green County High School	A proposal to rescind restrictions on individual sports participating in out-of-state events due to the impossible nature of monitoring opponents. Rationale – The restriction on playing non-member schools from out-of-state is a restriction that ensures that team competition is played by high school teams under the guidelines of each state association. However, this rule is difficult if not impossible to monitor in the individual sports of cross country, golf, swimming, tennis, track and wrestling. In these sports, when competition out-of-state (or even when out-of-state teams come into Kentucky), entries may be at the last minute and not finalized until arrival at the venue. KHSAA members are then left with the near impossible dilemma of deciding between competing illegally or risking the financial and competitive issues that come from immediate withdrawal. The KHSAA rules in these sports should only be concerned with what Kentucky schools can control. A school can control who it invites to its meets/contests. It is just not practical in the “individual” sports to have this restriction.	208 yes, 18 no, 0 abstain 12 present	Adopted by the Board of Control 16- 0
2007-11	Jeff Edwards, Jeffersontown High School	A proposal to amend the Constitution to establish a meeting attendance threshold for elected Board of Control members. Rationale – An elected member representing the member schools should be available to attend meetings representing his/her constituency. It is important to the member schools being represented that someone is at the meetings to voice the constituent beliefs and concerns on a regular basis.	221 yes, 4 no, 0 abstain 13 present	Adopted by the Board of Control 17- 0

At its November 17, 2005 meeting, the Board of Control voted 14-1 with three members absent to approve Proposal 3 from the 2005 Annual Meeting (listed below) regarding participation by non-Kentucky resident students. This approval and discussion by the Board included the following additional provisions:

- 1) The rule shall not apply to students ruled eligible under Bylaw 6, Section 1 (e) (boarding school students);
- 2) The rule shall not apply to students ruled eligible under Bylaw 6, Section 2 (Foreign Exchange Students) either through an approved agency or through the Due Process Procedure;
- 3) The rule shall not apply to D1 or F1 schools;
- 4) The rule must allow for a school to appeal to the Board of Control in unusual circumstances; and

- 5) The stipulation in the last line of the proposal referring to grade four (4) shall be changed to grade seven (7).

In 2005, the Board of Control originally approved implementation upon approval of this proposal through the regulatory process, but exempted those students already enrolled in a member school system who were enrolled beyond the sixth grade as of the effective date. When considered by the Kentucky Board of Education for approval following the 2005 Annual Meeting, the matter was referred back to the KHSAA in order that issues surrounding this proposal would be considered by the Task Force of 2005-2006.

Subsequent to this action in November 2005, the Board of Control proposed 2006 Proposal 2 (territory rule), which upon review, conflicted with the provisions of 2005 Proposal 3 in that it allowed certain schools a geographic boundary that extended beyond the state line. Therefore, at that time, the Board of Control voted to rescind its support for implementation of 2005 Proposal 3 and agreed that if proposal 2 from 2006 was not enacted, the Board of Control would again review and possibly bring alternate action back to the Kentucky Board of Education regarding 2005 Proposal 3.

Upon the withdrawal of 2006 Proposal 2 through the regulatory process, the Board of Control again reconsidered the approval of 2005 Proposal 3. At its October 2007 meeting, the Board of Control voted 11-5 (with 2 members absent) to recommend that the Kentucky Board of Education further discuss and consider 2005 Proposal 3. Some of the dissenting discussion noted that the existing proposals (financial aid restrictions and “playing up” application of the transfer rule) may very well address some of the concerns that brought about this proposal. Some Board of Control members did not like the stated exceptions within the rule, preferring a consistent answer for all students. Others stated dissent included reference to the many school districts that border other states and successful adherence to existing KDE attendance regulations. Supporting opinions expressed the theme that Kentucky sports should be for Kentucky kids.

This item was brought to the Kentucky Board of Education at its December 2007 meeting. Several of the Management Committee members at this meeting felt this issue may need further study and discussed sending it back to the Board of Control for review. However, no formal action was taken on the issue so it remains in the proposed regulation.

Proposal	Author	Purpose	Vote	BOC
3	Mark Swift, Ashland Blazer High School	An amendment to KHSAA Bylaw 4 to specify that the primary custodial residence of the student-athlete and family must be in Kentucky in order to be eligible.	189 yes, 75 no, 1 abstain 9 present	Adopted by the Board of Control 14-1 during the 2005-2006 school year. Recommended by the Board of Control for further discussion and consideration by the Kentucky Board of Education as amended 11-5 for possible implementation during the 2009-2010 school year.

In accordance with these procedures, an amendment to KHSAA Bylaw 6 was approved through the regulatory process which stipulates that a student below grade nine who participated in interscholastic athletics for a member school would be subject to the transfer rule restrictions if the student did not enter that

same school in grade nine. This was part of a referendum approved by the membership in May of 2006 and was part of the action agreed to by consensus when the Task Force of Public and Non-Public schools met during the 2005-2006 school year. This amendment was approved by the Board of Control (BOC) of the KHSAA for implementation during the 2008-09 school year due to the need for an adequate phase-in and educational period following the receipt of regulatory approval. During the regulatory review, it was noted that participation of transfer restrictions for students below grade nine was different than those above grade nine. The original proposal that was approved stated that the transfer restrictions applied when a student below grade nine participated at any level (freshman, junior varsity or varsity). The current rule applicable to high school aged students (grade nine and above) applies to those students on the varsity squad.

Through the regulatory approval process during the 2007-2008 school year, the Board of Control was asked to review this key provision of the rule, and make a determination as to the wisdom of those provisions being different or inconsistent when considering Bylaw 6 (Transfer Rule) as a whole. At its October 2007 meeting, the KHSAA Board of Control voted to request that the Kentucky Board of Education add a clarifying amendment to the approved referendum. This change would establish the threshold as participation at the varsity level for those students below grade nine with implementation of the rule until the 2009-2010 school year to allow for full education of the KHSAA constituency.

Item	Author	Purpose	Vote	BOC
2006 Refer. 2	KHSAA Board of Control on behalf of the Task Force on Interscholastic Athletics	A proposal to amend Bylaw 6 to apply the period of ineligibility following transfer (one year) to students who have played for a high school while enrolled below grade nine and then enter a different school upon entry into the 9 th grade without meeting defined Bylaw 6 exceptions. This proposal addressed concerns about student-athletes “playing up” to the high school level and then not enrolling in that high school in the 9 th grade, an issue that has caused considerable discussion within the membership of the association.	124 yes, 36 no,	Adopted by the Board of Control 17 – 0 in 2006-2007. Requested amendment adopted by the Board of Control 16-0 (2 absent) in 2007-2008.

The staff of the KHSAA certifies that the Board of Control has taken action on these items as documented by the minutes of Board of Control meetings.

Groups Consulted and Brief Summary of Responses:

KHSAA Board of Control
KHSAA Annual Meeting Delegate Assembly
Local Superintendents Advisory Council

All affected groups have concurred and approved the revisions.

The Local Superintendents Advisory Council will give its final review to the regulation prior to the February meeting and provide input to the Board via a letter from that body.

Impact on Getting to Proficiency:

Athletics contribute to the overall physical health of students and therefore affect their ability to perform academically.

Contact Person:

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Recommending Contact Person

Commissioner of Education

Date:

February 2008